

## REMARKS

In the Office Action mailed September 22, 2004, the Examiner noted that claims 1, 6-9 and 11-16 were pending, and rejected claims 1, 6-9 and 11-16. Claims 1, 6-9 and 11-16 remain pending for reconsideration which is requested. The Examiner's rejections are traversed below.

Page 2 of the Office Action rejects all claims under 35 U.S.C. § 103 over Hunter when combined with Binder.

Binder has an effective date as prior art of December 15, 1999. The invention described and claimed in the above-identified application was conceived prior to December 15, 1999 and diligently reduced to practice by the filing of a patent application as set forth in the Declaration Under 37 CFR Section 1.131 filed herewith. (Note: an unsigned Declaration is being filed herewith and a signed copy will be filed in due course..)

As discussed in the Remarks of the prior filed Amendment (incorporated by reference herein), the present invention of the claims (1 and 11) is directed to a pull method whereby the billboards display an image object to the public by triggering a communication session with a server, and accessing the server via a network to retrieve available time slots associated with the billboards to upload and display the image object during a respective further time slot.

The pull method of the claims where the billboard triggers the transfer of the image to be displayed from the server to the billboard is discussed at a number of places in the Canadian application referenced in the above-noted Declaration (see page 1, lines 6-13, page 2, lines 12-22, and page 3, lines 14).

It is submitted that Binder is not prior art to the above-identified application. For this reason, withdrawal of the rejection is requested.

Even if Binder is prior art, the present invention distinguishes over Hunter and Binder for the reasons discussed below.

The Examiner acknowledges that Hunter does not teach a pull method and in fact, teaches a push method as discussed in the prior filed Amendment. Binder is also directed to a push method that pushes advertising to a personal computer of a user. As discussed in Binder, the storage server analyzes the profile of the users computer, and selects and initiates the downloading of or pushes the advertising material to the users computer based on that profile (see Abstract, lines 13-16, col. 1, lines 56-59, col. 2, lines 6-13 and col. 4, lines 40-44). If the server does not analyze the profile, no advertising material is transferred. For this additional reason, withdrawal of the rejection is requested.

Further, as noted above, Binder is directed to a system for pushing advertising to user computer. There is no discussion in Binder or in Hunter that suggests that the techniques of Binder could be combined with Hunter. There is no teaching or suggestion in the prior art supporting the combination of Binder and Hunter. Further, there is no suggestion or teaching that the techniques of Binder should or even could be used with billboards. For this further reason, withdrawal of the rejection is requested.

Additionally, the combination of Binder with Hunter would destroy the purpose of Hunter. As discussed in the prior Amendment Hunter is designed to allow advertisers and advertising agents representing the advertisers to "directly access" electronic displays, and "directly send" their own advertisements electronically to the electronic billboards to be displayed "at locations and times selected by the advertisers" (see, Hunter column 2, lines 25-30). Having a server analyze a profile and decide what to send and when, as in Binder, would destroy this capability. For this additional reason, withdrawal of the rejection is requested.

Likewise combining Hunter with Binder would destroy the purpose of Binder. Binder is directed to a system where a detailed analysis of the users computer is done by the server to understand the users needs, behavior and preferences so that "very targeted" advertising can be provided to the user (see Binder, col. 2, lines 14-22). To allow advertisers, or their agents, to pick the advertising and the timing of the advertising, as in Hunter, would destroy this targeted advertising scheme of Binder. For this reason, withdrawal of the rejection is requested.

It is submitted that the invention of the claims distinguishes over the prior art and withdrawal of the rejection is requested.


It is submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.

Respectfully submitted,

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